

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

02/15 AM 10:08

UNITED STATES OF AMERICA,

Plaintiff,

v.

Miguel RAMOS-Vargas

Defendant.

Magistrate Case No. 08 MJ 0438 DEPUTY

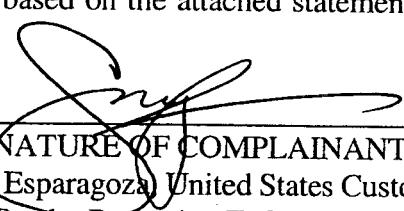
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Aliens
Without Presentation

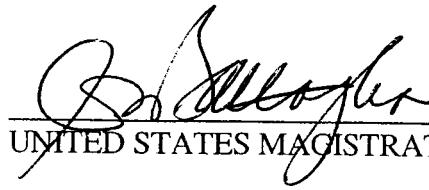
The undersigned complainant being duly sworn states:

On or about **February 14, 2008**, within the Southern District of California, defendant **Miguel RAMOS-Vargas**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Elizabeth GONZALEZ-Salcedo**, **Jose ORTEGA-Martinez** and **Manuel BUENAPARTE-Rodriguez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF FEBRUARY, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Elizabeth GONZALEZ-Salcedo, Jose ORTEGA-Martinez and Manuel BUENAPARTE-Rodriguez** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are Material Witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 14, 2008 at approximately 6:47 AM, **Miguel RAMOS-Vargas (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant of a maroon 1994 Nissan Quest. Defendant presented himself for inspection before a Customs and Border Protection (CBP) Officer, presented a Permanent Resident Card (I-551) bearing the name Martin CALDERON-Fuentes as his entry document and gave a negative Customs declaration. Defendant stated he was on his way to Chula Vista and claimed ownership of the vehicle. The primary officer noticed the image on the document did not resemble the Defendant. Upon inspection of the vehicle the officer discovered people in the rear cargo area of the van hiding under a piece of cloth. As the officer reached into the vehicle to obtain the keys, Defendant attempted to abscond through the passenger side door. Defendant was apprehended before he could escape and was escorted to secondary. The vehicle and its occupants were also escorted to secondary for further inspection.

In secondary, Defendant was determined to be a citizen of Mexico without entitlements to enter the United States. During a search of the vehicle, five undocumented aliens were discovered concealed in the cargo area under a blanket. The five aliens were determined to be citizens of Mexico without legal rights or benefits to enter, pass through, or to remain in the United States. Three were retained as Material Witnesses and are now identified as **Elizabeth GONZALEZ-Salcedo (MW1), Jose ORTEGA-Martinez (MW2) and Manuel BUENAPARTE-Rodriguez (MW3)**.

Defendant's fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS) and identified him as a prior alien smuggler. Defendant was also identified as an alien previously removed from the United States. Immigration records reflect Defendant was last ordered deported by an Immigration Judge on or about July 12, 2006. All parties were referred to the Prosecutions Unit for further processing.

Defendant was advised of his Miranda rights and agreed to submit to questioning without benefit of counsel. Defendant admitted that he knew there were undocumented aliens concealed in the rear cargo area of the vehicle. Defendant stated he was to smuggle the aliens across the border and drop the vehicle off in Chula Vista, California. Defendant admitted that he was to be paid \$100.00 USD for each alien he successfully smuggled into the United States.

On separate videotaped interviews, Material Witnesses made the following declarations: Material Witnesses admitted they are citizens of Mexico without legal rights to enter the United States. Material Witnesses stated they were going to pay fees ranging from \$2,800.00 to \$3,500.00 USD to be smuggled into the United States. Material Witnesses stated they were going to Los Angeles, California to seek residency.